

104TH CONGRESS
1ST SESSION

S. 632

To create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 28 (legislative day, MARCH 27), 1995

Mr. DOMENICI (for himself, Mr. BIDEN, Mrs. KASSEBAUM, Mr. BINGAMAN, Mr. JEFFORDS, and Mr. WELLSTONE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To create a national child custody database, to clarify the exclusive continuing jurisdiction provisions of the Parental Kidnapping Prevention Act of 1980, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Custody Reform
5 Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) parents who do not find a child custody rul-
2 ing to their liking in one State will often start a cus-
3 tody proceeding in another State in the hope of ob-
4 taining a more favorable ruling;

5 (2) although Federal and State child custody
6 jurisdictional laws were established to prevent this
7 situation, gaps still exist that allow for confusion
8 and differing interpretations by various State courts,
9 and which lead to separate and inconsistent custody
10 rulings between States;

11 (3) in the event that a different ruling is hand-
12 ed down in the second State's court, the problem
13 then arises of which court has jurisdiction, and
14 which ruling should be granted full faith and credit
15 under the Parental Kidnapping Prevention Act of
16 1980;

17 (4) changes in the Parental Kidnapping Preven-
18 tion Act of 1980 must be made that will provide a
19 remedy for cases where conflicting State rulings
20 exist—

21 (A) to prevent different rulings from occur-
22 ring in the first instance by clarifying provi-
23 sions with regard to continuing State jurisdic-
24 tion to modify a child custody order; and

1 (B) to assist the courts in this task by es-
2 tablishing a centralized, nationwide child cus-
3 tody database; and

4 (5) in the absence of such changes, parents will
5 continue to engage in the destructive practice of
6 moving children across State borders to escape a
7 previous custody ruling or arrangement, and will
8 continue to use their helpless children as pawns in
9 their efforts at personal retribution.

10 **SEC. 3. MODIFICATION OF REQUIREMENTS FOR COURT JU-**
11 **RISDICTION.**

12 Section 1738A of title 28, United States Code, is
13 amended—

14 (1) by amending subsection (d) to read as fol-
15 lows:

16 “(d)(1) Subject to paragraph (2), the jurisdiction of
17 a court of a State that has made a child custody deter-
18 mination in accordance with this section continues as long
19 as such State remains the residence of the child or of any
20 contestant.

21 “(2) Continuing jurisdiction under paragraph (1)
22 shall be subject to any applicable provision of law of the
23 State that issued the initial custody determination in ac-
24 cordance with this section, when such State law estab-

lishes limitations on continuing jurisdiction when a child is absent from such State.”;

(2) in subsection (f)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively; and

(B) in paragraph (1), as so redesignated, by inserting “pursuant to subsection (d),” after “the court of the other State no longer has jurisdiction,”; and

(3) in subsection (g), by inserting “or continuing jurisdiction” after “exercising jurisdiction”.

**SEC. 4. ESTABLISHMENT OF NATIONAL CHILD CUSTODY
REGISTRY.**

Section 453 of the Social Security Act (42 U.S.C. 653) is amended by adding at the end the following new subsection:

“(g)(1) Subject to the availability of appropriations, the Secretary of Health and Human Services, in cooperation with the Attorney General, shall expand the Federal Parent Locator Service established under this section, to establish a national network to allow State courts to identify every proceeding relating to child custody jurisdiction filed before any court of the United States or of any State. Information identifying custody determinations from other countries will also be accepted for filing in the registry.

1 “(2) As used in this subsection—

2 “(A) the term ‘information’ includes—

3 “(i) the court or jurisdiction where a
4 custody determination is filed;

5 “(ii) the name of the presiding officer
6 of the issuing court;

7 “(iii) the names and social security
8 numbers of the parties;

9 “(iv) the name, date of birth, and so-
10 cial security numbers of each child; and

11 “(v) the status of the case;

12 “(B) the term ‘custody determination’ has
13 the same meaning given such term in section
14 1738A of title 28, United States Code;

15 “(C) the term ‘custody proceeding’—

16 “(i) means a proceeding in which a
17 custody determination is one of several is-
18 sues, such as a proceeding for divorce or
19 separation, as well as neglect, abuse, de-
20 pendency, wardship, guardianship, termi-
21 nation of parental rights, adoption, protec-
22 tion from domestic violence, and Hague
23 Child Abduction Convention proceedings;
24 and

1 “(ii) does not include a judgment, de-
2 cree, or other order of a court regarding
3 paternity or relating to child support or
4 any other monetary obligation of any per-
5 son, or a decision made in a juvenile delin-
6 quency, status offender, or emancipation
7 proceeding.

8 “(3) The Secretary of Health and Human Services,
9 in cooperation with Attorney General, shall promulgate
10 regulations to implement this section.

11 “(4) There are authorized to be appropriated such
12 sums as are necessary to carry out this subsection.”.

13 **SEC. 5. SENSE OF SENATE REGARDING SUPERVISED VISI-**
14 **TATION CENTERS.**

15 It is the sense of the Senate that local governments
16 should take full advantage of the Local Crime Prevention
17 Block Grant Program established under subtitle B of title
18 III of the Violent Crime Control and Law Enforcement
19 Act of 1994, to establish supervised visitation centers for
20 children who have been removed from their parents and
21 placed outside the home as a result of abuse or neglect
22 or other risk of harm to them, and for children whose par-
23 ents are separated or divorced and the children are at risk
24 because of physical or mental abuse or domestic violence.

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